

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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COURT OF APPEALS
FEB 11 2001
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WILLIAM E. SMITH, III)
vs.)
Plaintiff,)
vs.)
AZTEC WELL SERVICING)
COMPANY,)
Defendant.)

)

Cause No. CV 00-957 LH/DJS
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PROVISIONAL DISCOVERY PLAN

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on December 13, 2000 and was attended by:

Victor A. Titus, Titus & Murphy, for the Plaintiff

Seth V. Bingham, Miller, Stratvert & Torgerson, P.A., for the Defendant

2. Discovery plan. The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

The Plaintiff's claim that he was not paid regular and overtime wages for travel time to and from well locations in violation of the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, Portal to Portal Act, 28 U.S.C. § 254, New Mexico Minimum Wage Act, NMSA 1978, § 50-4-22, and the Defendant's defenses to that claim.

All discovery commenced in time to be completed by June 22, 2001.

Maximum of 30 interrogatories by each party to any other party.

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Maximum of 30 requests for admission by each party to any other party.

Each deposition (other than of any Plaintiff) limited to a maximum of two hours unless extended by agreement of the parties.

Reports from retained experts under Fed. R. Civ. P. 26(a)(2) due:

From Plaintiff by March 26, 2001.

From Defendant by April 25, 2001.

Supplementation under Fed. R. Civ. P. 26(e) due September 21, 2001.

3. Other items.

The parties request a settlement conference in October 2001.

The parties request a pretrial conference in November 2001.

Plaintiff should be allowed until July 22, 2001 to join additional parties and until July 22, 2001 to amend the pleadings.

Defendant should be allowed until July 22, 2001 to join additional parties and until July 22, 2001 to amend the pleadings.

All potentially dispositive motions should be filed by September 6, 2001.

Plaintiff shall provide the Pretrial Order to Defendant by September 11, 2001 and Defendant shall submit to the Court by September 21, 2001.

Settlement is unlikely.

Telephonically approved Feb. 6, 2001

VICTOR A. TITUS
Titus & Murphy
Attorney for Plaintiff

SETH V. BINGHAM
Miller, Stratvert & Torgerson, P.A.
Attorney for Defendant

